

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

CALVIN F. ROBINSON,

Plaintiff,

v.

Case No. 24-cv-12754
Honorable Linda V. Parker

REPUBLIC SERVICES, et
al.,

Defendants.

**OPINION AND ORDER ADOPTING MAGISTRATE JUDGE’S
NOVEMBER 21, 2024 REPORT AND RECOMMENDATION**

Plaintiff Calvin F. Robinson, proceeding pro se, commenced this lawsuit against Defendants Republic Services, Dave,¹ and Derrick McNeal (collectively “Defendants”) on October 17, 2024, alleging that Defendants terminated his employment and retaliated against him based on his race and color in violation of Title VII of the Civil Rights Act of 1964 (“Title VII”), 42 U.S.C. §§ 2000e to 2000e-17, and the Americans with Disabilities Act of 1990 (“ADA”), 42 U.S.C. § 12203. (ECF No. 1.) The matter has been assigned to Magistrate Judge Anthony P. Patti for all pretrial proceedings, including a hearing and determination of all non-dispositive matters pursuant to 28 U.S.C. § 636(b)(1)(A) and/or a report and

¹ “Dave’s” last name is unknown. Mr. Robinson did not include his last name in his complaint.

recommendation on all dispositive matters pursuant to 28 U.S.C. § 636(b)(1)(B).
(ECF No. 6.)

On October 28, 2024, Magistrate Judge Patti issued a show cause order explaining that: (1) Mr. Robinson references 42 U.S.C. § 12203, an ADA provision in his complaint but alleges no facts to support a disability claim; (2) there are concerns that Mr. Robinson has not adequately exhausted his administrative remedies before filing this lawsuit as required for a Title VII claim because the date he alleges to have filed a charge with the United States Equal Employment Opportunity Commission (“EEOC”) precedes the dates of the alleged discriminatory acts; and (3) Mr. Robinson’s claim that the EEOC has not issued a Notice of Right to Sue also calls into question whether he has exhausted his administrative remedies with respect to his Title VII claim. (*See* ECF No. 8 at Pg ID 21-22.) Magistrate Judge Patti ordered Mr. Robinson to show cause, in writing, by November 13, 2024, as to why: (1) his claim under § 12203 of the ADA should not be dismissed for failure to state a claim and (2) his Title VII discrimination claim should not be dismissed without prejudice for failure to exhaust federal administrative remedies. (*Id.* at Pg ID 22.)

Mr. Robinson did not respond to Magistrate Judge Patti’s Order to Show Cause. Accordingly, Magistrate Judge Patti issued a report and recommendation (“R&R”) on November 21, 2024, recommending that the Court (1) dismiss Mr.

Robinson's ADA retaliation claim and (2) dismiss Mr. Robinson's Title VII discrimination claim without prejudice for failure to exhaust federal administrative remedies. (ECF No. 9 at Pg ID 25-26.) At the conclusion of his R&R, Magistrate Judge Patti advises the parties that they may object to and seek review of the R&R within fourteen days of service upon them. (*Id.* at Pg ID 26.) He further specifically advises the parties that "[f]ailure to file specific objections constitutes a waiver of any further right of appeal." (*Id.*) Neither party filed objections to the R&R.

The Court has carefully reviewed the R&R and concurs with the conclusions reached by Magistrate Judge Patti. The Court therefore adopts the R&R.

Accordingly,

IT IS ORDERED that Mr. Robinson's Complaint is **DISMISSED** in that his claims pursuant to 42 U.S.C. § 12203 are **DISMISSED WITH PREJUDICE** and his remaining claims are **DISMISSED WITHOUT PREJUDICE**.

s/ Linda V. Parker
LINDA V. PARKER
U.S. DISTRICT JUDGE

Dated: December 16, 2024

I hereby certify that a copy of the foregoing document was mailed to counsel of record and/or pro se parties on this date, December 16, 2024, by electronic and/or U.S. First Class mail.

s/Aaron Flanigan

Case Manager